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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|------------------------|------------------|
| 09/588,929 | 06/07/2000 | Larry Dolinar | NORT0032(11795RRUS02U) | 1225 |

7590 09/23/2003

Dan C Hu
Trop Pruner & Hu PC
8554 Katy Freeway Suite 100
Houston, TX 77024

EXAMINER

CALDWELL, ANDREW T

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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2157

DATE MAILED: 09/23/2003

4

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/588,929

Applicant(s)

DOLINAR ET AL.

Examiner

Andrew Caldwell

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

Priority Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2, 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Remarks

Claims 1-27 are pending.

The references cited in parent application 09/436,562 have been considered. However, if the Applicants want these references to be listed on the front of a patent issuing from this application, the references must be listed on a Form 1449. Copies of the references need not be provided.

Claim Objections

Claim 11 is objected to under 37 CFR 1.75(a) for failing to particularly point out and distinctly claim the subject matter of the invention. Claim 1 at line 6 refers to the modules (i.e., plural) but the only antecedent basis for the modules is a single software module at line 3. For purposes of prior art rejections in this Office action, the plural modules will be construed as referring to the single software module.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3-5, 7, 9, 11, 13-15, 17-18, 21-25, and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Alcatel USA Sourcing, L.P., WO 99/20058.

Regarding claim 11, Alcatel anticipates the claimed invention by disclosing a system comprising:

A software module containing instructions specifying performance of telephony services in the communication network (Fig. 6 elem. 30; p. 21 lines 11-30);

An interface layer comprising one or more components responsive to execution of the modules to provide commands to corresponding network elements to perform the telephony services specified by the software module (Fig. 6 elem. 12 service management system; p. 16 lines 10-23; p. 12 lines 15-28; p. 27 lines 17-30).

Regarding claim 13, Alcatel teaches a system wherein the interface layer comprises a communications component to send the commands to the network elements (p. 16 lines 10-23; p. 28 line 32 to p. 29 line 16; p. 29 line 26 to p. 30 line 33 provisioning and application logic).

Regarding claim 14, Alcatel teaches a system wherein the communications component comprises an Object Request Broker (p. 12 lines 25-28; p. 29 lines 4-6).

Regarding claim 15, Alcatel teaches a system wherein the communications component comprises an application programming interface (p. 30 lines 31-33).

Regarding claim 17, Alcatel teaches a system wherein the software module comprises a script (p. 26 lines 5-10 service script).

Regarding claim 18, Alcatel teaches a system wherein the interface layer comprises a script engine (p. 26 lines 5-10 service script).

Regarding claim 21, Alcatel teaches a system wherein the interface layer comprises a Common Object Request Broker Architecture component (p. 12 lines 25-28; p. 29 lines 4-6).

Regarding claims 1, 3-5, and 7, they are method claims corresponding to apparatus claims 11, 15, 17-18, and 21. Since they do not teach or define above the information in the corresponding apparatus claims, they are rejected under the same basis. The claims correspond as follows: 1 with 11; 3 with 17; 4 with 18; 5 with 15 and 18; 7 with 21.

Regarding claim 9, Alcatel teaches a method further comprising the software module receiving user input from which is generated the requests (; p. 21 lines 11-30).

Regarding claim 22, it is an apparatus claim written in means plus function form corresponding to apparatus claim 11, which is written using structural elements. Since the structural elements of claim 11 correspond to the means recited in claim 22, no separate reasons for rejection are necessary.

Regarding claim 24-25, they are computer readable media claims corresponding to apparatus claim 11 and 21, respectively. Since it does not teach or define above the

1 information in the corresponding apparatus claims, they are rejected under the same
2 basis.

3 Regarding claim 27, it is a "carrier wave" claim corresponding to method claim 1.
4 Since it does not teach or define above the information in the corresponding method
5 claim, it is rejected under the same basis.

6
7 Claims 1-4, 8, 10-13, and 22-27 are rejected under 35 U.S.C. 102(e) as being
8 anticipated by Wolf, U.S. Patent No. 5,946,377.

9
10 Regarding claim 11, Wolf anticipates the claimed invention by disclosing a
11 system comprising:

12 A software module containing instructions specifying performance of
13 telephony services in the communication network (Fig. 1B elems. 26, 102, 104,
14 and 106; Fig. 2);

15 An interface layer comprising one or more components responsive to
16 execution of the modules to provide commands to corresponding network
17 elements to perform the telephony services specified by the software module
18 (Fig. 1B elems. 110, 112, 114).

19 Regarding claim 12, Wolf teaches a system wherein the interface layer
20 comprises representations of the network elements (Fig. 2 elem. 104).

1 Regarding claim 13, Wolf teaches a system wherein the interface layer
2 comprises a communications component to send the commands to the network
3 elements (Fig. 1B elem. 112).

4 Regarding claim 17, Wolf teaches a system wherein the software module
5 comprises a script (Fig. 1B elem. 106).

6 Regarding claim 18, Wolf teaches a system wherein the interface layer
7 comprises a script engine (Fig. 1B elem. 110).

8 Regarding claims 1-4, they are method claims corresponding to apparatus claims
9 11-13 and 17, respectively. Since they do not teach or define above the information in
10 the corresponding apparatus claims, they are rejected under the same basis.

11 Regarding claim 8, Wolf teaches a system further comprising representing the
12 software module as a state machine having a plurality of states each representing an
13 action corresponding to a telephony service ().

14 Regarding claim 10, Wolf teaches a system wherein sending the commands
15 comprises sending the commands to one or more network elements selected from the
16 group consisting of an integrated voice response system, a DTMF decoder, a voice mail
17 system, and a recording system (col. 4 lines 15-19).

18 Regarding claim 22, it is an apparatus claim written in means plus function form
19 corresponding to apparatus claim 11, which is written using structural elements. Since
20 the structural elements of claim 11 correspond to the means recited in claim 22, no
21 separate reasons for rejection are necessary.

Regarding claim 23, Alcatel teaches a system wherein the communications means sends the commands over a packet based network (p. 21 lines 13-16).

Regarding claim 24-25, they are computer readable media claims corresponding to apparatus claim 11 and 21, respectively. Since it does not teach or define above the information in the corresponding apparatus claims, they are rejected under the same basis.

Regarding claim 26, it is a computer readable media claim corresponding to method claim 10. Since it does not teach or define above the information in the corresponding method claim, it is rejected under the same basis.

Regarding claim 27, it is a "carrier wave" claim corresponding to method claim 1. Since it does not teach or define above the information in the corresponding method claim, it is rejected under the same basis.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation

1 under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was
2 not commonly owned at the time a later invention was made in order for the examiner to
3 consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)
4 prior art under 35 U.S.C. 103(a).

5
6 Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alcatel.

7
8 Regarding claim 19, Alcatel teaches the invention substantially as claimed. See
9 the rejection of claim 11 above. Alcatel does not explicitly teach a system wherein the
10 software module comprises a Java object. Alcatel does however teach that the
11 software module/service management access point includes a web server (Fig. 6 elem.
12 30) and that the user interface is implemented within a Netscape browser (Figs. 8A &
13 8B). Figures 8A and 8B show functions implemented within the web page window such
14 as menus (file, edit, view, special, help), buttons (Fig. 8b "click a button), and the
15 dragging of service features onto the service program (Fig. 8A). Upon considering
16 these features, a person of ordinary skill in the art at the time the invention was made
17 would conclude that these functions are not performed by a simple HTML web page.
18 Particularly the dragging feature suggests something more complicated. Official notice
19 is hereby taken of the fact that Java applets are object oriented programs and are
20 typically used to implement user interactive features of web pages. It would have been
21 obvious to one of ordinary skill in the art at the time the invention was made to
22 implement the user interface features of the web pages of Figures 8A and 8B using

1 Java applets because Java applets are platform independent. Once these features are
2 implemented using Java applets, the service management access point must store
3 these applets so they can be served to particular browsers. Accordingly, Alcatel
4 teaches a system wherein the software module comprises a Java object.

5
6 Claims 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wolf.

7
8 Regarding claims 16, Wolf teaches the invention substantially as claimed. See
9 the rejection of claims 13 above. Wolf does not teach a system wherein the command
10 may include session initiation protocol messages. Official notice is hereby taken of the
11 fact that Voice over IP uses SIP as a signaling method and is interchangeable with
12 regular telephone service for making telephone calls from a PC. It would have been
13 obvious to one of ordinary skill in the art at the time the invention was made to
14 substitute a voice over IP call for the regular telephone call of Wolf because doing so
15 would allow the user to avoid toll charges.

16
17 Claims 6 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over
18 Alcatel in view of Box, D., SOAP: Simple Object Access Protocol, draft-box-http-soap-
19 00.txt, pp. 1-22, September 1999.

20
21 Regarding claim 20, Alcatel teaches the invention substantially as claimed. See
22 the rejection of claim 11 above. Alcatel does not explicitly teach a system wherein the

1 interface layer comprises a simple object access protocol component. Rather Alcatel
2 teaches a system using CORBA. Box on the other hand teaches SOAP as a remote
3 procedure call system. It would have been obvious to one of ordinary skill in the art at
4 the time the invention was made to substitute Box's SOAP RPC for Alcatel's CORBA
5 RPC because SOAP runs over HTTP and therefore passes through firewalls and
6 proxies (Box p. 3 § 4 first paragraph).

7 Regarding claim 6, it is a method claim corresponding to method claim 10. Since
8 it does not teach or define above the information in the corresponding method claim, it
9 is rejected under the same basis.

10
11 **Conclusion**

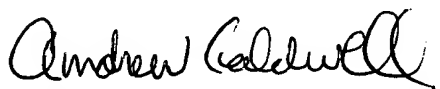
12 A shortened statutory period for response to this action is set to expire **three**
13 **months** from the mail date of this letter. Failure to respond within the period for
14 response will result in **ABANDONMENT** of the application (see 35 U.S.C. 133, M.P.E.P.
15 710.02, 710.02(b)).

16
17 Any inquiry concerning this communication or earlier communications from the
18 examiner should be directed to Andrew Caldwell, whose telephone number is (703)
19 306-3036. The examiner can normally be reached on M-F from 9:00 a.m. to 5:30 p.m.
20 EST.

21
22 If attempts to reach the examiner by phone fail, the examiner's supervisor, Ario
23 Etienne, can be reached at (703) 308-7562. Additionally, the fax numbers for Group
24 2100 are as follows:

25
26 Fax Responses: (703) 872-9306
27

28 Any inquiry of a general nature or relating to the status of this application should
29 be directed to the Group receptionist at (703) 305-9600.
30

31
32 
33 Andrew Caldwell